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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,906	09/30/2003	Boyd B. Moore	HO-P01715US2	2934

26271 7590 01/25/2006  
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EXAMINER

NINO, ADOLFO

ART UNIT PAPER NUMBER

2831

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/675,906	<b>Applicant(s)</b> MOORE, BOYD B.	
	<b>Examiner</b> Adolfo Nino	<b>Art Unit</b> 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 3/4/05 & 9/15/05.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 1-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Drawings***

The drawings were received on 3/4/05. These drawings are acceptable.

***Claim Rejections - 35 USC 251***

Claims 25-38 are rejected under 35 U.S.C. 251 as having no error correctable by reissue.

The present claims 25-38 in this reissue application are directed to subject matter drawn to an invention patentably distinct from the invention claimed in patent 6,148,925. Claims 25-38 are directed to a conductive line. Claims in patent 6,148,925 are directed to a method of inserting at least one conductor into an elongated length of metal coiled tubing, and these claims have been canceled in the present reissue application.

The inventions are distinct, each from the other because of the following reasons: Newly submitted claims 25-38 of pending reissue application 10/675,906 are directed to an invention that is independent or distinct from the invention claimed in U.S. Patent 6,148,925, claims 1-24, for the following reasons: The conductor wire line set forth in claims 1-24 could be assembled or manufactured by methods other than, or not requiring, the specific steps of the method of claims 1-24, i.e., not requiring the tubing to be positioned in a well or vertical passageway and a weight attached to the optical fibers. For example, the optical fibers of claim 25 may be inserted into a tubing, e.g., by using any conventional thrust or emplacement means, such as a tractor, and/or while both the optical fibers and tubing are in an above-ground horizontal position. Alternatively, the optical fibers and/or conductor wire(s) could be emplaced within the

tubing during the manufacture of the tubing itself e.g., by emplacement on a flat, elongated steel material, which is then formed into a generally circular tubing surrounding the optical fibers and/or conductor wire(s).

Since the claims in the reissue are to subject matter drawn to an invention patentably distinct from the invention claimed in the patent, 37 CFR 1.176 now permits the Examiner to make a requirement for restriction, but a restriction requirement cannot be provided since added claims 25-38 are constructively non-elected and withdrawn from consideration and original patent claims have been canceled in the present reissue application.

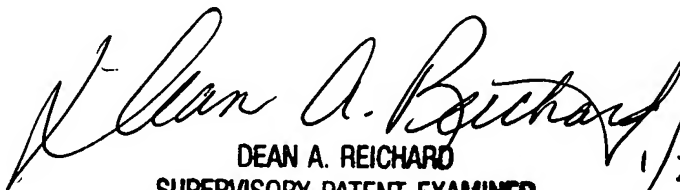
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adolfo Nino whose telephone number is (571) 272-1981. The examiner can normally be reached on M-F (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A. Reichard can be reached on (571) 272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AN

  
DEAN A. REICHARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800  
1/23/06